

Metropolitan Police Department

Office of Professional Responsibility
Civil Rights & Force Investigations Division
MOA Compliance Monitoring Team



Metropolitan Police Department and U. S. Department of Justice

Memorandum of Agreement Progress Report



APRIL 7, 2003

The outward freedom that we shall attain will only be in exact proportion to the inward freedom to which we may have grown at a given moment. And if this is a correct view of freedom, our chief energy must be concentrated on achieving reform from within. - Mahatma Gandhi

Introduction

In January 1999, Chief Ramsey and District of Columbia Mayor Anthony Williams asked the United States Department of Justice to review the Metropolitan Police Department's (MPD) practices as they related to police use of force. In March 2001, the U.S. Department of Justice (DOJ) concluded its review, and later entered into a Memorandum of Agreement (MOA) with the District of Columbia and the Metropolitan Police Department. The Agreement built upon the work MPD started during the course of the review, and provided that an Independent Monitor would evaluate the implementation of the Agreement. When the balance of the reforms contained in the Agreement are implemented, the Metropolitan Police Department will be a model for the nation on how to uphold the rule of law while using force only when and to the extent necessary.

On March 20, 2003, MPD notified DOJ that due to the onset of the war with Iraq and the high risk of terrorist attacks as outlined in the National Threat Level System, Chief Ramsey declared an emergency This progress report is the fifth submitted by the Department's Compliance Monitoring Team (CMT). The Compliance Monitoring Team, part of the Office of Professional Responsibility, was created by Chief of Police Charles H. Ramsey to ensure the timely implementation and compliance of the Memorandum of Agreement. The Compliance Monitoring Team marked the one-year anniversary of its existence during this reporting period. This quarterly report reflects MPD's Memorandum of Agreement activity from January 1, 2003, through March 31, 2003.

MPD's quarterly reports are required by the Memorandum of Agreement, and have been designed by the MPD to share its MOA related activities not only with the U.S. Department of Justice and the Independent Monitor, but also throughout the Metropolitan Police Department and the citizenry at large. Furthermore, there is an addendum to this quarterly report that lists all of the MOA's paragraphs and the status of each item.

The Metropolitan Police Department continues to be pleased with the progress made by the Department during this reporting period. However, during this reporting period, the Department was required to focus on world events and local priorities that stemmed from these events.

On March 20, 2003, the Metropolitan Police Department notified DOJ that due to the onset of the war with Iraq and the high risk of terrorist attacks as outlined in the National Threat Level System, Chief Ramsey declared an emergency effective Wednesday, March 19, 2003. DOJ was assured that the Memorandum of Agreement remained critically important to the Department, but that implementation schedules and delivery deadlines of MOA-related items may be affected by the unforeseen emergency circumstances.

Accordingly, Chief Ramsey initiated a series of directives to the Department, which included redeploying members to field assignments and suspending all training at the Institute of Police Science with the exception of Recruit/Lateral training. While MPD has not identified MOA delays at this time, some are anticipated due to the implementation of such emergency directives and activities. A copy of the notification letter is submitted with this report.

Nonetheless, the Metropolitan Police Department continued approved-policy implementation activities, submitted additional deliverables, revised draft policies and procedures, engaged in a series of internal and external communication activities, and hosted representatives from the City of Detroit to discuss MOA-related best practices.

This quarter, MPD reorganized its Information Technology Division and appointed new project leaders for the Personnel Performance Management System (PPMS) project. MPD hopes to work closely with DOJ during the next quarter to renegotiate timeline provisions of the PPMS.

Further, until training was cancelled due to the aforementioned emergency, the MPD Institute of Police Science (IPS) continued its enhanced FY2003 annual inservice training program, and launched specialized training on MOA-related initiatives for sergeants and higher-ranking members.

Finally, the Independent Monitor and his representatives have continued to examine various aspects of the MPD in order to document the Department's progress in MOA related

MPD reorganized its Information Technology Division and appointed new project leaders for the Personnel Performance Management System (PPMS) project

areas. The Metropolitan Police Department is proud of its recent Memorandum of Agreement compliance efforts, and is confident that MPD is well on its way to becoming a model for the nation on how to uphold the rule of law while using force only when and to the extent necessary.

Compliance Monitoring Team

The Compliance Monitoring Team (CMT) was created by Chief of Police Charles H. Ramsey in February 2002, to ensure the timely implementation and compliance of the Memorandum of Agreement (MOA). The CMT falls under the Civil Rights & Force Investigations Division, located within the Office of Professional Responsibility. The CMT celebrated its one-year anniversary during this reporting period, and is extremely satisfied with the progress made during the past twelve months.

The CMT continued its activities during this reporting period, and coordinated a variety of Memorandum of Agreement efforts. Members of the Compliance Monitoring Team also worked closely with the Department's new PPMS project leaders and other stakeholders on PPMS-related aspects of the Memorandum of Agreement.

The Compliance Monitoring Team has continued its efforts on the implementation of the use-of-force related policies and procedures. Further, members of the CMT have participated in various activities to ensure MPD's MOA-related compliance.

The CMT has continued to provide support to various Department elements to assist them in completing MOA deliverables, and facilitate compliance documentation. In addition, the CMT remains as the central repository for MPD's Memorandum of Agreement documents, and has been documenting and transmitting draft policies and other deliverables to DOJ and the Office of the Independent Monitor (MOA Paragraph 173).

The Compliance Monitoring Team is extremely pleased that during this reporting period, Ms. Maureen O'Connell joined the Metropolitan Police Department as a fulltime employee. Moreover, the CMT has been actively involved in both internal and external MOA-related communication efforts. The CMT assisted with the "train-the-trainer" sessions for instructors at the Institute of Police Science and members of the Force Investigation Team in preparation for the "sergeants and above MOA training." Further, until these training sessions were temporarily suspended, members of the Force Investigation Team attended all of the sessions to provide added support and expertise to the IPS instructors.

The Compliance Monitoring Team continued to provide assistance to the MPD Office of Labor Relations and the MPD Office of the General Counsel on MOA-related issues involving the Fraternal Order of Police and the D.C. Office of Employee Appeals. Further, a member of the CMT remains on the MPD labor contract negotiating team.

The Compliance Monitoring Team is extremely pleased that during this reporting period, Ms. Maureen O'Connell joined the Metropolitan Police Department as a full-time employee. Ms. O'Connell had been a MPD contractor working part-time on the MOA, but now has assumed the role of MOA project manager within MPD's Civil Rights & Force Investigations Division.

Conversely, the CMT lost the services of Laurie Samuels. Ms. Samuels, a MPD contractor from the Institute for Law & Justice, will be focusing on other projects within the Department. She will be missed.

The Compliance Monitoring Team Executive Committee met on January 24, 2003. The Executive Committee consists of executive-level members of the Metropolitan Police Department and the City. Executive Committee members have ultimate responsibility to ensure that various aspects of the Memorandum of Agreement that fall into their responsibility area are met. A copy of that meeting agenda is submitted with this report.

The CMT has also continued to monitor costs associated with the Office of the Independent Monitor, and maintained its relationship with the D.C. Office of Contracting and Procurement to ensure accountability.

The Compliance Monitoring Team also hosted a delegation of officials from the Detroit, Michigan, Police Department. The City of Detroit is also undergoing a DOJ review, and Detroit Police officials wanted to observe MPD's MOA implementation efforts. A copy of the itinerary used for the Detroit Police visit is submitted with this report.

Finally, in a continuing effort to inform the Department of Justice, the Office of the Independent Monitor, the members of the MPD, and the citizenry about the individuals who are working on the MOA project, each progress report contains a brief biography of a Compliance Monitoring Team member. This quarter's report features Inspector Joshua A. Ederheimer.

Learn more about CMT member Inspector Joshua A. Ederheimer

Joshua Ederheimer is a 17½ -year veteran of the Metropolitan Police Department of the District of Columbia. He is currently holds the rank of Inspector, and is assigned as the Director of the Civil Rights & Force Investigations Division. He is also an Adjunct Professor at American University, and a Consultant/Instructor with several organizations such as the Penn State Justice and Safety Institute, Police Executive Research Forum, and U.S. Department of State. He holds a Bachelor's Degree in Justice from American University, and a Master's Degree in Management from Johns Hopkins University.

As Director of the Civil Rights & Force Investigations Division, he is the primary Senior Management Official responsible for coordinating the police department's agreement with the United States Department of Justice. He is also responsible for all of MPD's use of force and civil rights investigations, as well as the Office of Equal Employment and Diversity. Finally, he is also responsible for administering MPD's Use of Force Review Board.



(Continued next page)

Inspector Ederheimer oversees all investigations of deadly force by police officers in the District of Columbia, to include deaths in police custody. He is responsible for coordinating Civil Rights inquiries by the Federal Bureau of Investigation, as well as developing department policy on use of force issues. Inspector Ederheimer has been the previous Commanding Officer of the Environmental Crimes Unit, the Public Housing Division, and has held numerous other posts during his tenure.

As a Consultant/Instructor, Inspector Ederheimer has traveled throughout the world consulting, evaluating, and teaching justice system professionals and other government officials about leadership, change management, business process reengineering, and investigations. As an Adjunct Professor, he has taught courses entitled *Critical Issues in Justice*, *Contemporary Issues in Law Enforcement*, *Policing in America*, *Police Use of Excessive Force*, *and Race & Justice in America*. Recently, he received the Cafritz Foundation's 2002 Distinguished District Government Employee of the Year Award by Mayor Anthony Williams.

Inspector Ederheimer has been the author of several published articles. Article topics have included Investigation of Police Use of Deadly Force: A New Model, How One Department Improved Deadly-Force Investigations Through Leadership Models and Business Theories, Contending with Crime in Public Housing, Three Strategies by the District of Columbia Metropolitan Police Department, and a book chapter entitled, Complex Crime, Policing in Public Housing.

Inspector Ederheimer is actively committed to community service, and has traveled to the Pine Ridge Native American Reservation in South Dakota to tutor Native American Children. He is the only known Jewish ordained Christian missionary in the Presbyterian Church USA. Inspector Ederheimer is active in several organizations, to include the Maryland Parent-Teacher Association and various youth sport organizations. He is married and lives with his two children in Maryland.

General Orders and Policies

Previously quarter, the U.S. Department of Justice approved several seminal use-of-force related policies. They included:

- Use of Force (MOA Paragraphs 37-40)
- Use of Force Investigations (MOA Paragraph 53)
- Use of Force Incident Report (MOA Paragraph 53)
- Handling of Service Weapons (MOA Paragraphs 41 and 43)
- Canine Teams (MOA Paragraphs (45 and 46)
- Oleoresin Capsicum Spray (MOA Paragraphs 47-50)
- Force Related Duty Status Determination
- Carrying Weapons and Transporting Prisoners Aboard Aircraft

During this current quarter, DOJ approved several other Departmental policies and/or procedures:

■ The Use of Force Review Board General Order (MOA Paragraph 67) was approved on January 31, 2003. The G.O. was distributed on February 21, 2003.

• The Office of Internal Affairs Operational Manual (MOA Paragraph 72) was approved on March 26, 2003.

Pending Reengineered Policies

During this reporting period, the Metropolitan Police Department and the U.S. Department of Justice exchanged a variety of detailed correspondence concerning numerous draft Department policies and procedures. They are listed in order of last activity unless otherwise noted. A status matrix containing all of the MOA paragraphs is submitted as an attachment with this report.

The Metropolitan Police Department submitted the *Force Investigation Team Operational Manual* (MOA Paragraph 57) to DOJ on February 5, 2002. DOJ replied with detailed comments on August 12, 2002. MPD submitted a revised draft to DOJ on November 1, 2002. DOJ provided additional comments on March 26, 2003.

The Metropolitan Police Department submitted a draft *Administrative Investigations Manual* (MOA Paragraph 83) to DOJ on October 25, 2002. DOJ provided comments on the Manual on March 26, 2003.

The Metropolitan Police Department submitted a draft *Serious Misconduct Investigations General Order* (MOA Paragraph 72) to DOJ on July 23, 2002. DOJ replied with detailed comments on September 13, 2002, and MPD submitted a revised draft to DOJ on November 22, 2002. DOJ replied with comments on January 31, 2003, and MPD submitted a revised draft to DOJ on March 7, 2003.

The Metropolitan Police Department submitted a draft *Specialized Mission Units General Order* to DOJ on October 4, 2002. DOJ provided comments on the order on January 31, 2003.

The Metropolitan Police Department submitted a draft plan for a *Community Outreach Program* for Filing Citizen Complaints to DOJ on September 27, 2002. DOJ provided comments on that order on January 31, 2003.

The Metropolitan Police Department submitted a draft *Chain of Command Misconduct Investigations General Order* (MOA Paragraph 83) to DOJ on November 1, 2002. DOJ provided comments on the order on January 31, 2003.

The Metropolitan Police Department submitted a draft *Citizen Complaint General Order* (MOA Paragraph 94) to DOJ on October 4, 2002. DOJ replied with detailed comments on November 25, 2002. MPD forwarded the draft to the District of Columbia Office of Citizen Complaint Review (OCCR) on December 27, 2002. The Office of Citizen Complaint Review provided their comments to MPD on January 17, 2003. MPD is

currently working on incorporating their comments. It is noted that there has been extensive interaction between the MPD and OCCR during this quarter. This interaction is described later in this report.

The Metropolitan Police Department submitted a draft *Enhanced Field Training Officer Program Protocol* (MOA Paragraph 121f) to DOJ on December 6, 2002.

The Metropolitan Police Department submitted a draft *Canine Operations Manual* to DOJ on November 27, 2002.

The Metropolitan Police Department submitted a draft *Enhanced Performance Evaluation System Protocol* (MOA Paragraph 118) to DOJ on November 8, 2002.

In addition, on November 27, 2002, MPD submitted a draft plan to comply with the requirements of MOA Paragraph 159. The plan involves limiting the number of hours an officer may work in any twenty-four hour period. The MOA notes that all parties acknowledge that the implementation of such a policy may consider any limitations related to labor agreements. Accordingly, the first phase of the plan involved the creation of a working group headed by the Senior Executive Director of MPD's Office of Organizational Development, Nola Joyce.

The group consists of representatives from various MPD stakeholders including the Directive Development and Accreditation Office, the Human Services Division, Operations Command, the Office of the General Counsel, and the CMT. The Work Group first met in December 2002. During this last quarter, the group worked on developing a draft policy statement for the approval of Chief Ramsey and worked on developing a draft general order for internal staffing. The working group will continue their efforts in developing this policy during the next quarter.

MPD is also working on the development of a policy to address the amendment approved by the District of Columbia City Council that permits MPD's Chief of Police to designate his own policy as to when off-duty officers are required to carry their service pistols in the City. The amendment, entitled the "Off-Duty Service Pistol Authorization Amendment Act of 2002," was contained in the Fiscal Year 2003 Budget Support Act of 2002 and became law on October 1, 2002.

Timelines

In the previous quarter, the Metropolitan Police Department and U.S. Department of Justice negotiated new deliverable timelines and agreed to a modification of the MOA. The only remaining timeline issues to be renegotiated surrounded the Personnel Performance Management System (PPMS). A series of meetings took place, whereupon a proposed plan was submitted to DOJ on December 13, 2002. However, subsequent to that plan, Chief Ramsey implemented major changes within the Department's

Information Technology Division, and appointed new executives to spearhead the PPMS project. An updated status of the PPMS project is included later in this report. However, it is noted that rough drafts of the PPMS and early warning program General Orders have been completed, and MPD hopes to complete a final draft during the next quarter.

Finally, MPD has delayed its submittal of a draft *Disciplinary Policy* (MOA Paragraph 105) to DOJ. It is noted that the draft policy was due to DOJ during the renegotiated period of the week of November 17, 2002. However, following an internal distribution of the draft policy for comment, and upon receiving numerous responses, major issues were identified. These internal issues have been resolved.

However, MPD also forwarded the Discipline policy draft to the Fraternal Order of Police (FOP) for comment. The FOP indicated that they had several concerns with aspects of the draft order. MPD is continuing its efforts to finalize the policy, and has been working with the FOP to address their concerns on various aspects of it. Written comments have been received, and face-to-face meetings have occurred between MPD and FOP officials in attempts to resolve outstanding draft policy concerns. Please note that based on FOP concerns, the MPD has modified the revised disciplinary policy. However, there are still a few differences that remain.

The MPD Office of Organizational Development has advised that another face-to face meeting will take place in the next quarter to resolve the last outstanding issues. MPD intends to submit the draft disciplinary policy to DOJ during the next quarter along with

a listing of any unresolved issues, if applicable. MPD also advised DOJ that if they wanted to review the current draft prior to finalization, that such a transmittal would be made. A copy of the March 31, 2003, letter to DOJ about the Disciplinary Policy is submitted with this report.

MPD believes that the interaction with the FOP has been beneficial, and will foster a greater trust in future endeavors. MPD believes that addressing as many of the FOP's concerns now will ease implementation efforts once the final draft is approved.

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Use of Force Incident Report

The development and implementation of the Use of Force Incident Report (UFIR) continues to raise numerous issues for the Metropolitan Police Department. It is noted that a central issue that had delayed approval of some draft policies concerned the language associated with the UFIR. MPD and DOJ worked together to attain a compromise and developed mutually agreeable language.

However, the UFIR form continued to raise concerns among the Fraternal Order of Police and the rank and file. While MPD has engaged in several activities to inform members about the form and its purpose, most members involved in a force incident (or a pointing of a firearm at a person) declined to fill out the form until a declination was issued by the U.S. Attorney's Office for the District of Columbia (USAO) or a "Reverse-Garrity warning was authorized.

MPD realized that procedures needed to be developed to address this situation. MPD sought assistance from DOJ. During this reporting period, DOJ arranged for a series of meetings between the MPD and the USAO to develop a new policy concerning declinations and authorization of "Reverse Garrity" warnings. As a result, a new policy was developed in which specified managers of the Force Investigation Team were authorized to issue "Reverse-Garrity" warnings in limited circumstances after designated information was obtained. Further, MPD and the USAO identified specific criteria to be met for a USAO review and "Reverse-Garrity" situations. These policies were approved by the MPD and issued to the Department on March 2, 2003. A copy of the teletype announcing the new policy to members of the Department is submitted with this report.

...a new policy was developed in which specified managers of the Force Investigati on Team were authorized to issue "Reverse-Garrity" warnings in limited circumstances Additionally, it is noted that at the request of MPD, the USAO provided training to the Force Investigation Team managers authorized to issue "Reverse-Garrity" warnings. The training was held on March 5, 2003, and was conducted by Assistant United States Attorney Sherri Berthrong. There have been 15 "Reverse Garrity" warning authorizations by FIT managers.

Further, during the last quarter, MPD submitted proposed revisions of the UFIR form to the DOJ. MPD had obtained feedback from officers that the form, particularly the layout, was

complicated and confusing. MPD believed that such confusion contributed to officer frustration with the UFIR. As a result, MPD updated and reformatted the UFIR form, and submitted the proposed form along with a detailed explanation for each proposed change. On March 19, 2003, the DOJ provided detailed written feedback on the proposed form. MPD is currently assessing the comments and making adjustments to the draft revised form.

As it relates to completing outstanding UFIR forms that had not been completed by officers pending a declination or the issuance of a "Reverse-Garrity" warning, the Force Investigation Team was tasked to ensure compliance. 70 were outstanding, and at the time of this report, 64 had been completed.

Finally, during this reporting period, MPD sought to amend the reporting requirements for the UFIR form as it related to select MPD Specialized Units for incidents when multiple members of those units point their service weapon under specific enumerated circumstances. The request was made because of operational concerns. Specifically,

MPD is concerned about delays in operational efficiency when numerous members are engaged in specific activity where it is expected (or at least a likelihood) that most (if not all) members would be pointing their weapons (such as in a high risk warrant situation).

The concerns were initially raised by the Commanding Officer of the Emergency Response Team, when he noted that his team of 8 to 30 members would all be filling out UFIRS on the same case. MPD's goal is to still capture all pertinent information required in the UFIR (to include entry into PPMS), but to do it in a single format (one after-action report completed by a manager rather than 30 individual reports).

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In a letter sent to DOJ on March 5, 2003, MPD proposed that members involved in such an incident would be

exempt from having each member complete a UFIR. Instead, a unit manager would complete an "After Action Documentation Report." The Report would consist of a form with a memorandum from the unit manager to the Assistant Chief of the Office of Professional Responsibility thru the Assistant Chief of Operational Services (EAC). The unit manager would have to obtain the OPR CS Number and supply the names of all the officers in accordance with current procedures.

It is important to note that this proposed modification would not apply to a team member who uses any type of force in addition to, or in place of, pointing his/her weapon. In those instances, the member would need to complete his/her own UFIR detailing their use of force as outlined in the MPD Use of Force General Order (GO-RAR-901.07). A copy of this memorandum is submitted with this report.

Communications & Community Outreach

On July 26, 2002, the Metropolitan Police Department Office of Corporate Communications submitted a communications plan to DOJ regarding the Memorandum of Agreement. However, subsequent to that date, new outreach deliverable timelines were agreed upon. A revised communications plan reflecting the new outreach dates was completed and submitted to DOJ on November 1, 2002.

The Metropolitan Police Department Office of Corporate Communications has been the primary generator of MOA-related communications materials and activities. The Command Staff of MPD and the Compliance Monitoring Team have also played an active role in MOA communications activities.

Communication activities have involved both internal and external stakeholders. They have involved sharing information about the MOA, new Department policies and procedures, as well as processes for filing citizen complaints.

Internal Communication Activities

MPD's Command Staff continued Chief Ramsey's mandated expanded participation on internal MOA communication issues. Members of the Command Staff continue to receive MOA updates at Chief Ramsey's bi-monthly Command Staff meetings, as well as at Executive Assistant Police Chief Michael J. Fitzgerald's Command-level meetings. Command-Level attendance at the Department's *annual in-service training program* continued until the temporary suspension of training noted earlier in this report.

In addition, during this quarter MPD initiated it's "Sergeant & Above" training on the Department's new use of force policies. The training, developed by the Institute of Police Science (IPS) for supervisors (sergeants, lieutenants, captains, and inspectors) comprised of a DOJ-approved curriculum. Complimenting this training was Chief Ramsey's 18-minute videotape that highlighted key aspects of the new MOA-related policies and procedures. Also provided at the training was a Frequently Asked Questions (FAQ) paper that had also been approved by DOJ.

The training, intended to inform members and clarify issues related to the MOA and related new policies, was structured in two-hour formats that were presented twice daily in police facilities throughout the City over a two-week period. Members of the Force Investigation Team were assigned to attend every training session and provide expert support to IPS instructors. The first week of the training occurred the week of March 3, 2003. The second week of training was during the week of March 17, 2003

Complimenting this training was Chief Ramsey's 18-minute videotape that highlighted key aspects of the new MOA-related policies and procedures.

after three days because of the world events mentioned previously in this report. The DOJ and the Office of the Independent Monitor (OIM) will be apprised when this training resumes.

Further, information about the new training, online UFIR availability, and the new UFIR "Reverse-Garrity" procedures were published and distributed to the Department in its daily newsletter, *The Dispatch*. (Copies of pertinent issues are submitted with this report).

External Communication Activities

The MPD Office of Corporate Communications has spearheaded MPD's external MOA-related communication activities. Chief Ramsey has kept the MPD Command Staff informed about MOA-related public information materials.

MPD has engaged in numerous public information activities during this reporting period. The activities have included a variety of community and media activities, including the distribution of printed materials, news releases, public service announcements, community leader outreach, and the posting of web-based information.

Print Materials

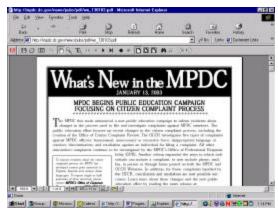
All citizen complaint materials have been printed, including copies of the basic brochure in English, Spanish, Chinese, Vietnamese and Korean (see attached). The bulk of the non-English language brochures are being distributed through the Department's Latino and Asian Liaison units. Copies of these brochures are submitted with this report.

Community Outreach

During the week of January 13, 2003, information packets were mailed to the approximately 270 elected Advisory Neighborhood Commissioners (ANC) in the District of Columbia. The packets included samples of the print materials on the citizen complaint process, a form for ordering additional copies of the materials and a letter from Chief Ramsey encouraging the ANCs to assist in the dissemination of materials. Similar information packets were distributed to members of Chief Ramsey's Citizens Advisory Council at its December 2002 meeting. Bulk quantities of the citizen complaint brochure were also distributed through the D.C. Parks and Recreation Department in January 2003.

To date, the Office of Corporate Communications has received and responded to four follow-up requests for materials from community leaders. An additional 350 brochures and fact sheets have been distributed

The citizen complaint process and the new public information campaign were the lead item in the January 13, 2003, edition of the *What's New in the MPDC* newsletter, which is distributed both electronically and via print copies. A follow-up article appeared in the February 3, 2003, edition of the newsletter.



Internet -linked example of the MPD's publicly released newsletter concerning the public education campaign on the citizen complaint process.

Further, information about the citizen complaint process was also distributed at the Mayor's Forum on Crime and Prevention, held January 25, 2003, at Eastern Senior High School. Approximately 600 DC residents attended.

Website

The new Citizen Complaints and Use of Force section on the MPDC website had been launched during the previous reporting period. This section includes an electronic copy of the PD-99 form, which can be completed on-line, printed, and mailed or faxed to the Police Department. A link to the section from the main MPDC home page (under "Services") was also added at this time.

Media Relations

A news release announcing the public information effort, including the availability of information on the website and in multiple languages, was issued on January 9, 2003. The release was also posted on the MPDC website. The news release generated some media interest, with brief reports on various radio and television stations.

In addition, Chief Ramsey discussed the citizen complaint process and the public information materials during his monthly "Ask the Chief" program on WTOP radio on January 9, 2003.

The MPD Office Corporate Communications also distributed information about the citizen complaint process in Spanish to representatives of Spanish-language media who attended a Latino media roundtable briefing on February 12, 2003.

To the extent possible, the Office of Corporate Communications continues to monitor local radio and television outlets for use of the public service announcements that were distributed in December 2002, with negative results thus far.



News release announcing MPD's public education campaign on the citizen complaint process.

Receipt of Complaints

The MPD continues to embrace the concept of multiple conduits for citizens to file citizen complaints. In addition to traditional complaint reporting methods, citizens can call a toll free telephone number (800-298-4006), email complaints to oprcompl@mpdc.org, and hearing impaired stakeholders can file complaints via TDD at 202-898-1454. Detailed specific information on how to file a citizen complaint is now available on the MPD website.

Also included on the website are explanations of the MPD and OCCR complaint investigation processes, as well as a link to the Office of Citizen Complaint Review.

Office of Citizen Complaint Review (OCCR)

In the District of Columbia, police complaint procedures involve both the Metropolitan Police Department and the Office of Citizen Complaint Review (OCCR). The District government enacted a law in 1999 establishing the Office of Citizen Complaint Review (OCCR) and the governing Citizen Complaint Review Board (CCRB). The mission of the agency is to investigate, settle and adjudicate complaints of misconduct filed by the public against officers of the Metropolitan Police Department in an independent, fair and timely manner.

Previously, a Memorandum of Understanding was signed by representatives of both agencies on September 28, 2002. The MOU addressed information sharing, training, complaint intake & referral, witness interviews, and other items. Additionally, MPD has included information and links to the OCCR on its website, and has included information about the OCCR in its' printed materials.

MPD and OCCR agreed to meet again during the next quarter to finalize issues and institute a revised Memorandum of Understanding. It is noted that DOJ and the OIM have identified conflicts within the Memorandum of Understanding that do not comport with enumerated requirements in the MPD-DOJ Memorandum of Agreement. Further, many jurisdictional and process disagreements remained between the agencies, despite the signing of the Memorandum of Understanding. Accordingly, on March 18, 2003, the DOJ hosted an initial meeting with representatives from MPD and OCCR to discuss various issues.

At the meeting, representatives agreed to conduct a detailed review of the current Memorandum of Agreement and offer specific changes, to include modifications that would appropriately sync with requirements in the DOJ MOA. Additionally, MPD agreed to develop a joint MPD/OCCR Citizen Complaint Form to be sent to citizens who email, telephone, or fax citizen complaints to MPD that fall under the jurisdiction of OCCR. The purpose of the letter would be to inform citizens of their choice in who will investigate their complaint.

On April 1, 2003, a follow-up meeting was held to review the above-listed items, discuss outstanding issues, and to identify next steps. MPD believed the meeting was very productive, and the agencies were able to agree to a number of revisions to the MOU. Furthermore, issues were identified that will require further discussion. MPD and OCCR agreed to meet again during the next quarter to finalize issues and institute a revised Memorandum of Understanding.

Investigations

Use of Force and Police Officer Misconduct investigations fall under the purview of the Office of Professional Responsibility (OPR). Within OPR, there are two primary organizational elements that conduct investigations: The Civil Rights and Force Investigations Division that handles instances of police use of force, and the Office of Internal Affairs that handles allegations of significant alleged police misconduct.

Use of Force

Chief of Police Charles H. Ramsey established the Force Investigation Team in January 1999, the Force Investigation Team has evolved into the new national model for police use of force investigations. The team, which took a business-related perspective to force investigations, has been recognized internationally for its high quality investigations and unique approach to use of force issues.

Previous reports from the Office of the Independent Monitor have indicated that MPD has made significant progress in the area of use of force investigations, and found that the work of FIT appeared to be of high quality.

Previously, investigative protocols were established to comply with the requirements of the Memorandum of Agreement. A copy of the revised Force Investigation Team Organizational Plan and Operations Manual reflecting these protocols was submitted the Department of Justice on February 5, 2002, and to the Independent Monitor on April 8, 2002. On August 12, 2002, the MPD received detailed comments from DOJ regarding the FIT operational manual. MPD submitted a revised draft to DOJ on November 1, 2002. On March 26, 2003, DOJ provided MPD with additional comments on the manual. Modifications related to those changes are being incorporated into the manual and is expected to be resubmitted to DOJ during the next quarter.

As mentioned previously in this report, a new policy was developed in which specified managers of the Force Investigation Team were authorized to issue "Reverse-Garrity" warnings in limited circumstances after designated information was obtained. At the request of MPD, the USAO provided training to the Force Investigation Team managers authorized to issue "Reverse-Garrity" warnings. The training was held on March 5, 2003, and was conducted by Assistant United States Attorney Sherri Berthrong.

Finally, members of the Force Investigation Team attended "train-the-trainer" sessions for the "Sergeants and Above" in-service instructional sessions. A member of the Force Investigation Team was assigned to attend each training session to provide expertise and offer clarification on various issues.

Office of Internal Affairs

MPD's Office of Internal Affairs (OIA) had submitted a draft *Office of Internal Affairs Operational Manual* to DOJ on July 26, 2002. DOJ replied with detailed comments on October 17, 2002. MPD submitted a revised draft to DOJ on December 3, 2002.

On March 26, 2003, DOJ notified MPD that they had approved the manual. The manual will be instituted and disseminated during this upcoming quarter.

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they had approved
the manual

MOA Paragraph 68 requires the Office of Professional Responsibility to develop a Personnel Allocation Plan for the Office of Internal Affairs. DOJ approved the plan on October 17, 2002. Pursuant to MOA Paragraph 78, MPD agreed to assign the recommended personnel to OIA by the end of 2002 to ensure sufficient staffing to investigate criminal misconduct allegations. During this reporting period, two additional Agents were assigned to OIA. However, four were lost to transfer. Additional personnel transfers are anticipated to augment OIA, however, a recent increase in violent crime, coupled with recent world events, may affect further personnel movement.

It is noted that the Office of the Independent Monitor has been continuously reviewing both FIT and OIA investigative reports. The OIM has been reviewing closed investigations, and their feedback has been positive.

It is noted that the IMF briefing highlighted the need for MPD to enhance and institutionalize its use of force procedures as they relate to civil disturbance and major demonstration situations. Accordingly, a draft Civil Disturbance Use of Force Reporting and Investigation protocol was developed, and was staffed for comment. The draft is now undergoing final review at the MPD Office of the General Counsel. Once the draft is internally approved, it will be incorporated into a new Mass Demonstration Handbook.

Police Canine Teams

On May 4, 2000 the Metropolitan Police Department implemented an interim canine policy and began the initiation of significant improvements in its canine operations. The Department of Justice acknowledged these improvements in Paragraph 44 of the Memorandum of Agreement. DOJ approved MPD's Canine Teams General Order, and that policy was implemented in October 2002.

In addition, a *Canine Operations Manual* was developed. A draft of the manual, which institutionalizes almost all MPD canine issues into one document, was completed and submitted to DOJ on November 27, 2002.

MPD is pleased with the progress of the implementation of the new Canine Teams General Order, and is extremely satisfied with the creation of the new Canine Operations Manual. However, MPD alerted DOJ to a canine-related operational issue relating to the duty status of Canine Handlers following a canine bite. MPD has asked DOJ to approve modification of General Order 901.11, Force Related Duty Status, as it applies to MPD Canine Handlers. On March 19, 2003, DOJ notified MPD that it had conditionally approved the request, pending a minor modification. MPD is in the process of incorporating that change.

Finally, the Office of Professional Responsibility conducted an assessment of MPD police canine incidents that occurred since the institution of the second Force Investigation Team in January 1999. While the overwhelming number of canine bites were justified and within policy, the assessment did raise some questions concerning on-lead canine bites and warning announcements related to canine deployment. Further, issues were raised concerning the shifts and squads involved in canine bite incidents.

The Commanding Officer of the Special Operations Division was briefed on the findings. The Commander instituted several changes within the Canine Unit, addressed the issues raised in the assessment. The DOJ and OIM were provided briefings on this matter. MPD is pleased with the speed and results of the changes.

Training

Training and education are key aspects of the Metropolitan Police Department's Use of Force management. The Metropolitan Police Department Institute of Police Science (IPS) has instituted many reforms concerning Use of Force issues. Accordingly, the IPS is tasked with the responsibility to train members of the Department on the reengineered policies (MOA Paragraphs 84 and 129).

The IPS Lesson Plan Review Team (LPRT) has continued to update various MOA-related lesson plans. Pursuant to MOA Paragraph 119, MPD submitted eleven (11) lesson plans that comprise its use of force curriculum to DOJ on July 24, 2002. The following lesson plans were submitted:

- ASP Tactical Baton Training Program
- Close Quarter Combat
- Controlled F.O.R.C.E.
- Ground Fighting
- Handcuffing

- Krava/Maga
- OC Spray
- Officer Street Survival
- Pistol Qualification
- Use of Force Continuum
- Verbal Judo

Additionally, IPS completed development of sixteen (16) lesson plans in September 2002 for in-service training. The following lesson plans were created and forwarded to DOJ:

- Administrative Misconduct Investigation Policy & Procedures using the Preponderance of Evidence Standard
- Arrest, Custody, and Restraint Procedures
- Bias-related Hate Crimes
- Canine Policies and Procedures
- Command Accountability DOJ APPROVED 11-25-02
- Communication and Interpersonal Relationship Skills DOJ APPROVED 11-25-02
- Crime Scene Preservation
- Cultural Diversity and Sensitivity Awareness
- Defensive Tactics
- Ethics, Integrity, and Professionalism **DOJ APPROVED 11-25-02**
- Interview and Interrogation
- Theories of Motivation and Leadership **DOJ APPROVED 11-25-02**
- Use of Force and Use of Force Continuum (with manual)
- Use of Force Incident Report Form
- Use of Force Review Board
- Verbal Judo Recertification DOJ APPROVED 11-25-02

As noted above, several of the lesson plans were approved by DOJ on November 25, 2002. DOJ also provided additional comments on both the In-Service Lesson Plans and on the Use of Force Curriculum Lesson Plans on November 25, 2002. On March 19, 2003, MPD submitted the following ten (10) revised lesson plans to DOJ:

- Administrative Misconduct Investigation Policy & Procedures using the Preponderance of Evidence Standard
- Arrest, Custody, and Restraint Procedures
- Bias-related Hate Crimes
- Canine Policies and Procedures
- Crime Scene Preservation
- Cultural Diversity and Sensitivity Awareness
- Defensive Tactics
- Interview and Interrogation
- Use of Force and Use of Force Continuum (with manual)

Use of Force Review Board

It is noted that effective March 19, 2003, due to the onset of the war with Iraq and the high risk of terrorist attacks as outlined in the National Threat Level System, Chief Ramsey declared an emergency. Accordingly, Chief Ramsey instituted a variety of measures, including the temporary suspension of all training with the exception of recruit training. MPD will notify DOJ and the OIM when the suspended training resumes.

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However, prior to March 19, 2003, IPS continued its 40-hour Annual In-Service Training Program. Chief Ramsey mandated Command-level attendance at the training during the use of force modules. Command-level officials were present and available to answer force-related and MOA-related questions.

In addition, during this quarter MPD initiated it's "Sergeant & Above" training on the Department's new use of force policies. The training, developed by the Institute of Police Science (IPS) for supervisors (sergeants, lieutenants, captains, and inspectors) comprised of a DOJ-approved curriculum. Complementing this training was Chief Ramsey's 18-minute videotape that highlighted key aspects of the new MOA-related policies and procedures. Also provided at the training was a Frequently Asked Questions (FAQ) sheet on the Use of Force Incident Report that had also been approved by DOJ.

The training was structured in two-hour formats that were presented twice daily in police facilities throughout the City over a two-week period. The training was conducted by members of IPS who had attended "train the trainer" sessions (along with members of the Force Investigation Team). FIT members augmented the instructors at sessions and were available to provide expert support.

Personnel Performance Management System

The Metropolitan Police Department and the District of Columbia have committed to develop and fully implement a computerized relational database for maintaining, integrating, and retrieving data necessary for supervision and management of the Police Department and its personnel. The system has been designated the *Personnel Performance Management System (PPMS)*. The computerized data compiled as part of the PPMS will be used regularly and affirmatively by the Metropolitan Police Department to promote civil rights integrity and best professional police practices.

The Metropolitan Police Department has previously been awarded a \$500,000.00 grant from DOJ's Community Oriented Policing Services (COPS) Office. The grant (award #2001CKWXK090), will be used to partially fund the new system.

Previously, MPD has forwarded to DOJ a proposed plan for the development and implementation of PPMS. At that time, MPD had elected to have an existing in-house contractor, the Institute for Law and Justice (ILJ), oversee the development of the PPMS. MPD submitted to DOJ its PPMS Technical Documentation, the Estimated PPMS 2003 Budget, and a PPMS proposed project plan with deliverable dates.

However, DOJ had raised some concerns relative to MPD's PPMS efforts. On March 26, 2003, DOJ submitted a letter to MPD indicating their concerns. MPD acknowledges that it has not met the original PPMS timetables set forth in the agreement, and Chief Ramsey has not been satisfied with the progress made on the project. He recognized that the Department's efforts in this area needed to be enhanced.

Accordingly, in January 2003, Chief Ramsey reorganized the MPD Information Technology Division (MPD-IT), and appointed Mr. Philip Graham to that position. In turn, his newly appointed Director for the PPMS project, Ms. Mary Ellen Hanley, quickly recognized the PPMS program as a priority and began an assessment of the feasibility to carry out earlier plans that had been submitted to the Department of Justice (DOJ).

The conclusions reached by Mr. Graham and Ms. Hanley are that the previous project plans need to be re-developed to include a: (1) more disciplined and structured project management methodology, (2) more detailed requirements planning, and (3) focus on a consumer-off-the-shelf (COTS) solution rather than a new system development solution.

As a result, the MPD-IT will seek a COTS solution for PPMS, and has initiated several steps to move the project closer to a comprehensive project plan and schedule:

- Scheduled vendor demonstrations of COTS products recommended by similar police departments in other cities and by DOJ technical consultant, Dr. Larry Davis of the University of Maryland. These demonstrations are scheduled for completion in April 2003.
- 2. Produced a statement of work (SOW) to establish and implement the systems integration environment in which PPMS will function. The procurement process for the SOW will begin in April 2003.
- 3. Produced a statement of work to produce a concept of operations, technical architecture, cost/benefit analysis, and an integrated roadmap that will define the major sequence of activities necessary for implementation.

Resources, checkpoints, milestones, and timelines will be included. The procurement process for the SOW will begin in April 2003.

4. Attended, and will continue to attend, meetings with the Compliance Monitoring Team, Department of Justice, and Office of the Independent Monitor.

In addition, MPD-IT realizes that the selection and implementation of the PPMS is a priority for the Department. The MPD remains sensitive to DOJ's concerns about firm time lines for its implementation, and recognizes the need to negotiate new timelines in order to release it from a breach status.

The MPDC-IT has adopted a goal of developing a project plan, staffing plan and benefit plan by May 15, 2003¹, that will result in deployment and adoption of a PPMS system that will be technically sound and secure, and that will provide long-term value to this critical and important initiative.

Finally, MPD has made progress on a draft MOA-mandated protocol for the PPMS. The draft is near completion.

Department of Justice

Since the creation of the Compliance Monitoring Team in February 2002, there has been interaction between the Metropolitan Police Department and the Department of Justice. Notwithstanding telephone calls and electronic messages, there have been numerous other contacts between the two Departments in order to continue established dialogue between the agencies.

DOJ has provided MPD with assistance by facilitating interaction, project advancement, and policy development with the Office of Citizen Complaint Review, the United States Attorney's Office for the District of Columbia, and on PPMS initiatives.

DOJ has provided MPD with assistance by facilitating interaction, project advancement, and policy development...

During this reporting period, representatives from MPD and DOJ met at the monthly "all-hands" meeting held at the Office of the Independent Monitor, as well as several other meetings on topics noted above.

MPD and DOJ have continued regular communications through these meetings, telephone conversations, conference calls, and electronic mail. The level of cooperation

¹ MPD notes that DOJ has not agreed to MPD's proposed date.

between the MPD and DOJ remains high. MPD is extremely pleased with the relationship that exits with the U.S. Department of Justice. The Metropolitan Police Department continues its partnership with the Department of Justice to jointly complete the requirements of this Memorandum of Agreement.

Fraternal Order of Police

The Fraternal Order of Police (FOP) is the Labor Union for all police officers, technicians, detectives, and sergeants on the Metropolitan Police Department. The Metropolitan Police Department recognizes the importance and value of including them in Memorandum of Agreement endeavors.

However, the relationship between MPD and the FOP has been difficult. The FOP had initially declined to participate in MOA-related endeavors, and has previously filed an Unfair Labor Practice (ULP) Complaint against the Metropolitan Police Department with the District of Columbia Public Employees Relations Board. The Labor Union cited alleged changes in terms and conditions of employment relating to the Memorandum of Agreement as the reason for the filing.

MPD sought FOP input on the Department's draft Disciplinary policy and draft PPMS and early warning system component policies

Recently, the PERB stated that the filing of the Unfair Labor Practice charge fell outside of the 120-day window established by PERB Rule 520.4 for filing such charges. The Hearing Examiner did not address the merits of the case. It is anticipated that FOP will appeal this decision.

However, the MPD and FOP reestablished dialogue on MOA-related issues during this reporting period. Specifically, MPD sought FOP input on the Department's draft Disciplinary policy and draft PPMS and early warning system component policies.

As it relates to the Disciplinary policy, written comments have been received, and face-to-face meetings have occurred between MPD and FOP officials in attempts to resolve outstanding concerns. Based on FOP concerns, the MPD has modified the revised disciplinary policy. However, there are still a few differences that remain, and additional meetings will take place in the next quarter to try to resolve the outstanding issues. As it relates to the draft PPMS and early warning component policies, the FOP is in receipt of these drafts and is in the process of commenting on them.

MPD believes that this interaction has been beneficial, and will foster trust between the MPD and the FOP. Further, MPD believes that addressing the FOP's concerns now will ease implementation efforts once the final draft is approved.

It is noted that a member of the CMT is on the negotiating team for the new labor contract between MPD and FOP to be able provide information about the MOA.

Independent Monitor

The Memorandum of Agreement requires that the Metropolitan Police Department and the Department of Justice jointly select an Independent Monitor who will review, report, and assist on matters related to the Agreement's implementation (MOA Paragraph 161). On March 28, 2002, the Metropolitan Police Department and the law firm of Fried, Frank, Harris, Shriver & Jacobson jointly announced that Michael R. Bromwich had been selected as the Independent Monitor. Mr. Bromwich is a partner at the firm, and is head of the internal investigations, compliance and monitoring practice group there.

The Independent Monitor completes and disseminates quarterly progress reports regarding MPD's Memorandum of Agreement compliance efforts. The next report is scheduled to be completed later this month. A copy of the report, along with past reports, are available at the Independent Monitor's website at www.policemonitor.org.

The Compliance Monitoring Team engaged in a myriad of activities to assist representatives from the Office of the Independent Monitor in gathering information for their report.

The Independent Monitor continues to host monthly "all-hands" meetings in which all MOA stakeholders meet, to include the Chief of Police, DOJ, the Office of Citizen Complaint Review, Office of the Corporation Counsel, and the Compliance Monitoring Team among others. These meetings occur on the first Monday of each month.

Moreover, the Compliance Monitoring Team also meets with representatives from the OIM on the third Monday of each month to informally discuss MPD's MOA-related activities.

Additionally, the Compliance Monitoring Team has been assisting the OIM by facilitating document and meeting requests throughout the agency.

During this reporting period, the Compliance Monitoring Team has been assisting the Independent Monitor to facilitate compliance activities including:

- Conducting ride-alongs with Department focus mission units and patrol officers in various districts
- Facilitating meetings with the Special Operations Division Canine Unit

- Facilitating meetings with the Special Operations Division Emergency Response Team
- Auditing use of force supervisor training courses
- Auditing recruit and lateral training courses
- Reviewing accuracy of PAMS data
- Reviewing chain of command investigations
- Reviewing Office of Internal Affairs investigations
- Reviewing FIT investigations
- Reviewing FIT's policy and training recommendations
- Reviewing Use of Force Review Board Records
- Reviewing Arrestee Injury Reports (PD-313)
- Reviewing accuracy of the Canine Unit's database
- Reviewing Canine Unit's training records
- Tracking the development of new policies

The OIM also submitted a report to the District of Columbia City Council. Specifically, the report, entitled *Summary of Metropolitan Police Department Compliance Activities Reported by the Office of Independent Monitor, June 2002 – January 2003*, was in response to a request by the Honorable Kathleen Patterson, Chairperson of the Council's Committee on the Judiciary. The report provided the Council an update on MOA-related activities and summarized the OIM's previous reports.

Further, the OIM met with representatives from the City of Detroit to discuss best-practice MOA implementation and monitoring practices.

Finally, the Compliance Monitoring Team continues to closely monitor MPD's costs associated with the Office of the Independent Monitor. With the assistance of the D.C. Office of Contracting and Procurement and MPD's Accounts Payable office, the CMT continues to actively review OIM invoices to control costs and ensure accountability.

Other Activities

The Metropolitan Police Department recognizes its responsibility to share as much information as possible in the most efficient manner to Memorandum of Agreement stakeholders such as the Department of Justice and the Independent Monitor. The MPD will continue to engage in activities that place itself on the forefront of law enforcement civil rights activities.

Visit by Representatives from the City of Detroit, Michigan

Representatives from the Detroit, Michigan, Police Department visited the Metropolitan Police Department and the MPD Compliance Monitoring Team from February 28, 2003

to March 3, 2003. They desired to learn how MPD is implementing its Memorandum of Agreement. Detroit is currently working with DOJ on police-related issues, and they sought to observe best practices as it relates to MOA implementation. The representatives included Lieutenant Vicki Yost, Sergeant Anthony Marshall, and Sergeant Sherri Meisel.

The visitors engaged in numerous activities that were facilitated and hosted by the Metropolitan Police Department. They observed a "Sergeant & Above" MOA training session, met with representatives of the Compliance Monitoring Team, interviewed managers of the MPD Force Investigation Team, met with MPD and District of Columbia attorneys, and met with Independent Monitor Michael Bromwich and OIM attorney Jonathan Aronie. The Metropolitan Police Department is looking forward to assisting any other cities seeking MOA-related best practice information.

The Metropolitan Police Department is committed to completing the balance of reforms contained in the Memorandum of Agreement. We are pleased with the significant progress that has already been made. The Metropolitan Police Department is confident that it is well on its way to becoming the national model on how to uphold the rule of law while using force only when and to the extent necessary.

Attachments

- MPD-DOJ Memorandum of Agreement Completion Matrix Report, March 31, 2003
- Letter from MPD to DOJ regarding Declaration of Emergency Status, March 20, 2003
- Compliance Monitoring Team Executive Committee Meeting Agenda, January 24, 2003
- Detroit Police Department Itinerary, February 28, 2003 March 3, 2003
- Letter from MPD to DOJ regarding Disciplinary Policy Status, MOA Paragraph 105, March 31, 2003
- TT-03-008-03 : UFIR Declination Procedures Teletype, March 2, 2003
- Letter from MPD to DOJ regarding UFIR Reporting Requirements for Specialized Units, MOA Paragraph 53, March 5, 2003
- *Dispatch* articles, Use of Force Incident Report (UFIR) Now Available on MPDC Intranet, January 30, 2003, February 6, 2003, and February 18, 2003
- *Dispatch* article, Use of Force Training Dates Changed to Week of 3/10, February 25, 2003
- Dispatch article, Training Dates for Use of Force Moved for Rally, March 4, 2003
- Dispatch article, New Policy on Declinations of Use of Force Incident Reports, March 5, 2003
- Filing Citizen Complaints Against Metropolitan Police Officers and the Citizen Complaint Process, (English, Spanish, Chinese, Vietnamese and Korean versions) (hard-copy only)